

**REMARKS**

The above amendments and following remarks are responsive to the points raised in the September 26, 2005 final Office Action. Upon entry of this Amendment and Request for Reconsideration (37 CFR § 1.116), Claim 1 will have been amended and Claims 1-7 will be pending. No new matter has been introduced. No issues have been raised that require further consideration or search. Entry and reconsideration are respectfully requested.

**Response to Rejections under 35 U.S.C. § 103(a)**

Claims 1, 2, and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,362,403 to Dosoudil in view of US Patent 3,334,861 to Westbrook. Claims 3-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dosoudil in view of Westbrook as applied to above and in further view of US Patent 5,992,689 to Johanson. Applicant respectfully traverse these rejections.

Independent Claim 1 has been amended to recite an apparatus for removing filtered material from a pressurized filter space including:

“a control unit connected to one of said at least two adjusting elements for moving said at least two adjusting elements in relation to each other for maintaining a measurable surface height of the filtered material contained in the discharge conduit essentially at a predetermined value in a substantially continuous fashion.”

Applicant respectfully submits that neither the primary reference of Dosoudil nor the secondary references of Westbrook and/or Johanson, either alone or in combination, teach, suggest, otherwise render obvious, to one of ordinary skill in the art at the time the invention was made, the subject matter as recited in amended Claim 1. More specifically, neither Dosoudil, Westbrook, and/or Johanson, either alone or in combination, teach, suggest, otherwise render

obvious, a control unit connected to one of two adjusting elements for moving least two adjusting elements in relation to each other for maintaining a measurable surface height of the filtered material contained in the discharge conduit essentially at a predetermined value in a substantially continuous fashion. As such, the subject matter recited in Claim 1, as well as dependent Claims 2-7, are distinguished over the applied references of Dosoudil, Westbrook, and/or Johanson, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

### **CONCLUSION**

Applicant respectfully submits that Claims 1-7 are in condition for allowance and a notice to that effect is earnestly solicited.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required for filing this response to restriction requirement to Deposit Account No. 13-4500, Order No. 4806-4011.

Respectfully submitted,

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